

Fw: 8-10-10 Board Hearing Item D-1

Susan Baker to: Bruce Gibson, Katcho Achadjian, James Patterson, Adam Hill, Frank Mecham

08/09/2010 08:22 AM

Cc: Amy Gilman, Cherie Aispuro, Vicki Janssen, Susan Devine, Vicki Shelby, cr_board_clerk clerk recorder

Susan Baker
Secretary, Board of Supervisors
805/781-4335
Fax: 781-1350

----- Forwarded by Susan Baker/BOS/COSLO on 08/09/2010 08:22 AM -----

From: "Lisa Bodrogi" <lbodrogi@pasowine.com>
To: <sbaker@co.slo.ca.us>
Date: 08/06/2010 05:42 PM
Subject: 8-10-10 Board Hearing Item D-1

Hi Susan,

Please distribute my enclosed letter to the Board of Supervisors in regards to the Temporary Events Ordinance discussion a the Board next Tuesday, Aug. 8th.

Sincerely,

Lisa M. Bodrogi
Government Affairs Coordinator
Paso Robles Wine Country Alliance
lbodrogi@pasowine.com
(805)937-8474 or (805)260-2461



BOS Hrg 8.10.10.doc

Item # D-1 Meeting Date: 8/10/10

Received: ☒ Prior to meeting
☒ Posted to web: 8/9/10
☐ At the Board meeting
☐ Day of or after meeting not posted



Honorable Board of Supervisors
of San Luis Obispo County
County Government Center
San Luis Obispo, CA 93408

August 6, 2010

RE: Discussion on Temporary Events at the August 10th Hearing

Dear Honorable Board of Supervisors:

The Paso Robles Wine Country Alliance appreciates your Board's consideration of our comments regarding the Temporary Events Section of the Land Use Ordinance. We recognize that special events at wineries are handled separately, under the provisions of Section 22.30.070.D.2.i.. Likewise, we recognize that the winery ordinance refers back to the design and operational standards contained within the Temporary Events Section. With this in mind, we have reviewed the proposed Development Standards contained in your Staff's Report and find no objections to the standards contained therein.

We commend staff for their efforts in carrying out your Board's directive to simplify and streamline the events ordinance taking into account the various stakeholders and interested parties involved. Staff has done an admirable job in balancing the input from your Board and the public in providing concepts that can be carried forward into an approvable ordinance.

Understanding that wineries are exclusive of the proposed amendments to the Temporary Events Ordinance, we do wish to offer the following comments:

- 1) A clause in the future ordinance should clarify that Winery Events are specifically excluded and reference 22.30.070.D.2.i for provisions pertaining to winery special events.
- 2) Further direction should be provided defining Events. Private events (i.e. events for family members or friends) should be allowed without restriction as any residential property owner can hold a private event. Also, non-profits, including educational activities and activities sponsoring not-for-profit organizations, should be exempted from the ordinance provisions.
- 3) We support CABO's more flexible approach to determining number of events based upon a cumulative number of attendees. More flexible requirements in the rural sector allows for greater case-by-case consideration taking into account carrying capacity of the project site and neighborhood characteristics.

Badrogi Attachment



We hope our comments are useful to the discussion and look forward to providing more comments on any proposed ordinances. As always, if we can be of any help or assistance please do not hesitate to contact our Government Affairs Coordinator, Lisa Bodrogi at 937-8474 or 260-2461 or lbodrogi@pasowine.com.

Very Truly Yours,

Stacie Jacob
Executive Director
Paso Robles Wine Country Alliance

Lisa M. Bodrogi
Government Affairs Coordinator
Paso Robles Wine Country Alliance

Sent via e-mail to:

Susan Baker for Board of Supervisors
1st Supervisor Frank Mecham
2nd Supervisor Bruce Gibson
3rd Supervisor Adam Hill
4th Supervisor K.H. "Katcho" Achadjian
5th Supervisor James Patterson

Fw: Item D-1/Temporary Events

Susan Baker to: Bruce Gibson, Katcho Achadjian, James Patterson, Adam Hill, Frank Mecham

08/09/2010 08:35 AM

Cc: Amy Gilman, Cherie Aispuro, Vicki Janssen, Susan Devine, Vicki Shelby, cr_board_clerk clerk recorder

Susan Baker
Secretary, Board of Supervisors
805/781-4335
Fax: 781-1350

----- Forwarded by Susan Baker/BOS/COSLO on 08/09/2010 08:35 AM -----

From: Elizabeth Rolph <elizabeth@rolph.biz>
To: Baker Susan <sbaker@co.slo.ca.us>
Cc: boardofsups@co.slo.ca.us, Pasciuto Kim <senzapensieri@sbcglobal.net>
Date: 08/07/2010 09:58 AM
Subject: Item D-1/Temporary Events

Susan, Please distribute the attached letter regarding **item D-1/Temporary Events** for the August 10th Board meeting to the the Board members. Thank you

Elizabeth



events 8-10 ltr to BoS .pdf

Item # D-1 Meeting Date: 8/10/10

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Board of Supervisors
Government Center
San Luis Obispo, CA

August 6, 2010

RE: Item D-1 Directives for a Temporary Events Ordinance

Dear Supervisors Mecham, Achajian, Gibson, Hill, and Patterson;

We are unclear regarding the question[s] to be addressed at Tuesday's hearing. Will the Board focus on directives for the Planning Commission, particularly on Directives that target low impact events that might be eligible for a ministerial permit? Or, is the Board considering a specific Planning Department proposal to amend the Temporary Events ordinance?

In an effort to get some clarity, perhaps it's useful to briefly review the history.

- The Board requested a review of the Temporary Events ordinance with the stated goal of clarifying and simplifying.
- The Planning Department proposed an amended ordinance with a negative declaration, which was contested. That Request for Review remains on the table.
- Eventually, the proposed amendment reached the Planning Commission, and the PC, in the process of deliberation, asked the Board for some clarification of its initial directives—particularly regarding the application of AGP6.
- In January of this year, the Board considered the PC's request and asked the Planning Staff to develop some additional information and language for them.
- In support of this assignment, the Planning Department asked a few organizations [3] for input solely regarding what rules should apply to applicants for a Ministerial Permit-- presumptively, what constituted a low impact event[set of events] that did not need discretionary review.
- Rather than addressing the questions of what should qualify as a low impact event, how they should be permitted, and what standards should apply, the Staff Report has proposed what amounts to a complete amendment to the Temporary Events ordinance [Appendix C] without reference to related parts of the code, the forth-coming ag-tourism package, or much public participation. Furthermore, this proposal is more permissive than their original, which again raises the question of an EIR.

To consider the proposed amendment now would circumvent the PC deliberation process, restrict public participation, and raise clear questions of environmental impact. We strongly urge you to agree that your task Tuesday is to focus on guidelines that will assist the PC in their job of vetting a comprehensive rewrite of all event ordinances and a comprehensive ag-tourism package, including events.

Elizabeth Attachment

The questions you asked of staff in January offer a road map for those guidelines. Below, we summarize those questions, the Staff Report's response, and our comments.

- 1. Propose legislative intent language to guide the development and future interpretation of the final ordinance.** The proposed amendment includes a statement of intent that is not particularly helpful in that it states a host of mutually exclusive considerations without explicitly helping with prioritizing. However, the content of the proposed amendment clearly speaks to the interests of the business community—particularly the wedding industry—and gives little consideration to the needs of agriculture, to increasing the economic viability of ag or to the well-being of neighboring residents. The intent statement should reflect the Board's priorities, whatever they may be.

We strongly urge the Board to adopt an intent statement that gives more weight to preserving agricultural capacity and direct marketing of agricultural products in ag and rural areas and to protecting BOTH the residential nature and rural character of those areas that makes our county so desirable. This is the key to a stronger economy in the long run and will guide the PC in developing an events ordinance that expresses that priority.

- 2. What events should be eligible for Ministerial Permits?** There is a consensus that low-impact events should be given special access to a quick, inexpensive permit. Characteristics of "low-impact" would include size, frequency, and road type. Other parameters might be location within "event corridor" or linkage with other visitor serving uses. [Here. It's useful to see how other counties are doing it.]

We support the following Directive to the PC : *Create a class of low impact events based on size, frequency, type of road and other related characteristics that will be eligible for Ministerial Permits.* More specifically, we support a class that includes 2 events of no more than 150 people for anyone (to allow for non-profit and educational events or a small number of commercial events), with an additional 4 events for direct marketing of on-site produced ag products.

- 3. How should non-ag land be dealt with?** The Staff Report does not explicitly address what we recall to have been the issues. We had understood that the Board wanted to know whether there should be a connection between the ability to hold events, size, and frequency and various zoning designations [as several counties have]. And further, between parcels that are zoned AG, RL, or RR but which in fact have no possibility of supporting any kind of agriculture from those that do. For example, should a site that is so precipitous as to make agriculture impossible host more (or fewer) events than one in active ag? We also understood the Board to have asked whether there should be a different allowance or process for those engaged in active agriculture, the group the

previous Board was trying to help when it authorized the AgTourism effort. Staff has not addressed any of these issues.

We believe the very nature of zoning designations requires a differentiation between zones; that a commercial zone should be able to host events in keeping with their occupancy permit but that a single family residential zone should not become host to a commercial event venue.

Similarly we believe that those in AG, RL, or RR zones who are engaged in active ag need the ability to directly market their products with onsite farm stands, farm stays, and farm events. This capability will increase the economic viability of local agriculture. We believe this should be the highest priority of the County in authorizing accessory uses on ag capable lands, because ag land is a finite while event venues can be found in multiple zoning categories.

We don't see the inference that sites that are incapable of ag should be more entitled to host events, as though the County has an obligation to ensure the greatest possible economic opportunity to those who choose to live in ag zoned areas, even if it means compromising the economic viability of the true agriculturalist or the peaceful enjoyment of the residents who chose to live in rural areas precisely because they wanted to be removed from commercial activity. We ask that you support the agriculturalist and the rural resident over the narrow interests of a particular industry that has many venues for its livelihood, including many existing venues in ag and rural areas.

That said, if the number and size of the events qualifying for a Ministerial Permit are low enough, there are fewer problems for agriculture and for residents. If the parameters are very generous, the cumulative impacts will grow and CEQA requires consideration of cumulative impacts. Thus, we urge lower numbers and sizes if all parcels are to be eligible for events with a Ministerial Permit.

4. **What guidance should the Board give with respect to thresholds for [term of]/revocation/not renewal of Ministerial Permits?** Staff proposes a term of one year with automatic renewal unless host receives 3 complaints in a 6-month period for MPs.

We agree with the one-year permit term for low impact, un-reviewed activities. But the proposal is so generous with respect to violations as to be meaningless. Only after 3 substantive complaints have been successfully recorded in a 6-month period, might a permit be revoked. That is too generous and, the proposal, as written, is very ambiguous. Three different events or 3 complaints but same event? Three different property owners/resident families or 3 from same family?

This proposal vastly expands the number of sites eligible to host events and the permit process proposed is an over the counter permit without any discretion. More important, since most violations will not result in a substantiated complaint, 3 in a six month period is an exceedingly weak

performance standard! ¹ We support revocation after 2 substantiated complaints in a permit's one year life—one as a warning; the second an automatic revocation. Our neighborhoods deserve as much.

5. **What guidance should the Board give with respect to noise, health and safety [including that of rural residents], and rural character? How should waivers be dealt with?** The standards put forth in the Staff Report do not reflect any recognition of current problems in areas now impacted by ag tourism. Nor do they reflect any effort to think creatively about how to best mitigate these problems. Instead, they simply reiterate the current standards or eliminate them altogether. This is particularly true in the case of waivers: why should someone undertaking a commercial effort be entitled to waivers over the opposition of an impacted neighbor simply by showing compliance imposes an economic hardship. Why should economic benefit to one person trump health and welfare of another? Why should the environment trump safety? If multiple important protections are impacted then maybe the answer should be, “no.” This bias is a problem with current rules and is now being written into the new proposal. The problem of standards requires creative innovation—the development of ideas like event corridors, techniques to limit cumulative impacts in particular locales, etc. Many good ideas can be drawn from experiments in other places. [See report on other counties.]

Our five top concerns regarding standards are:

- No minimum site size: the winery ordinance requires 20 acres. Under this proposal, a site could hold 10 events for 200 people on any road, on any sized parcel.
- Any road regardless of size, width, or paving conditions. 200 people are not appropriate or safe on all roads, especially in rural areas.
- Amplified sound: this is the most frequent source of complaints about events in rural areas. The fact that some events require music late into the night does not make it appropriate for an over-the-counter permit. Wineries need a MUP to extend amplified music beyond 5 pm. A lower decibel level in the countryside would help to address the fact that sound carries well beyond the immediate neighbors and acknowledge that plenty of farmers and rural dwellers go to bed early. Additionally, the burden to show compliance must be on the host, not the neighbor. A study of the capability to comply does not in any way ensure compliance. Previous iterations of the proposal included a

¹ Formal complaints reflects only a fraction of the violations, because people mostly don't complain-- and for many good reasons. A complaint requires all of the following:

- Complainants must be willing to violate strong social norms by calling
- Someone must be at the phone to receive the complaint; not the case often
- Complainants must state a willingness to testify publicly on the matter
- Complainants must have acceptable proof of the infraction, often costing money

requirement for the host to monitor the sound levels and we urge the inclusion of such a provision.

- Parking: off prime soils as requested by ALAB and all on-site for an over the counter permit. Encourage carpooling by requiring a van option from the nearest public parking area for events in excess of 100 people.
- Notice to neighbors-the proposal is helpful, but sites impacted by events extend well beyond the 1000-foot mark. To assist in enforcement, reduce unsubstantiated complaining, and provide those impacted with information on permitted events, the County should have a website that shows the events scheduled and their rules of operation.

6. How should we deal with renovation and new construction? The proposal prohibits new construction and then turns a blind eye by incorporating a giant loophole that allows the ability to build a new ag exempt structure and then convert it for occupancy. This completely undermines the prohibition of new construction.

A TE ordinance should continue the existing practice that prohibits grading and construction for Temporary Events and it should specifically prohibit the conversion of ag exempt structures. Furthermore, this proposal eliminates completely the prohibition on grading that exists in the current ordinance.

7. How do other counties deal with these problems? We agree that there is much to be learned from what other counties are thinking and doing, but staff obviously didn't have sufficient time to really explore the question. Their report provides no systematic information on the handling of amplified sound or performance and renewal provisions. Staff doesn't mention, for example, the fact that Napa functions happily with its temporary license, which applies to all events and is good for one year with automatic renewal or with its "Standards Handbook", which is not part of the permit and can be amended if need be. We have submitted a brief summary of the information we gathered earlier this year, and we have also seen some spreadsheet comparative information from the Ag Department that was distributed to the AgTourism Working Group that helped some differences among counties. The Board should ask for more of this research before proceeding to any final proposal.

The content of staff's proposed amendment raises a host of additional issues. But because they deal with high impact events and sets of events [those that would require MUPs and CUPS], we are not going to address them at this time except to say that the Board should look at events comprehensively: Public Assembly and Entertainment should be examined side by side with Temporary Events and other impacted ordinances, like the Home Occupations ordinance. [An event business is a home occupation and those rules might well be construed to apply.] All AgTourism

subjects should be taken together. The piecemeal approach will result in a poor product. We can do better and County residents deserve better.

Thank you for the opportunity to comment.

Sincerely,

Elizabeth Rolph and Kim Pasciuto
Co-chairs, AgTourism Coalition

Fw: August 10th BoS meeting, Item D-1

Susan Baker to: Amy Gilman, Cherie Aispuro, Vicki Janssen, Susan Devine,
Vicki Shelby

08/09/2010 08:38 AM

Cc: cr_board_clerk clerk recorder

Susan Baker
Secretary, Board of Supervisors
805/781-4335
Fax: 781-1350

----- Forwarded by Susan Baker/BOS/COSLO on 08/09/2010 08:39 AM -----

From: "Sue Luft" <asluft@wildblue.net>
To: "Frank Mecham - Supervisor" <fmecham@co.slo.ca.us>, "Katcho Achadjian - Supervisor" <kachadjian@co.slo.ca.us>, "Bruce Gibson - Supervisor" <bgibson@co.slo.ca.us>, "Adam Hill - Supervisor" <ahill@co.slo.ca.us>, "Jim Patterson - Supervisor" <jpatterson@co.slo.ca.us>
Cc: "Susan Baker" <sbaker@co.slo.ca.us>
Date: 08/08/2010 01:30 PM
Subject: August 10th BoS meeting, Item D-1

Chairperson Mecham
Supervisor Achadjian
Supervisor Gibson
Supervisor Hill
Supervisor Patterson

Re: Continued discussion for additional direction on amendments to the temporary events section of the LUO

My husband and I have a small vineyard in the rural El Pomar area east of Templeton. Over the past few years, we have hosted a number of nonprofit educational seminars and fundraisers on our property for which we receive no compensation. The events we have hosted include an oak habitat conservation seminar with the Native Tree Committee and the Central Coast Vineyard Team, an irrigation seminar and a bird control / good neighbor seminar for the Independent Grape Growers of the Paso Robles Area, and the annual Solar Home Tour.

The proposed amendments to the events ordinance in Exhibit C appear to make sense, particularly the exemption for events with less than 50 attendees. However, a definition of events is not included and is needed. Some activities which may involve greater than 50 attendees should be exempt from the definition of "event".

Educational seminars and educational/informational tours are important activities that need to be supported. Since landowners freely offer their properties for this activities, it would place an unnecessary burden on them to require that they obtain zoning clearance approval. Some of these activities include the educational "tailgates" provided by the Central Coast Vineyard Team, seminars sponsored by the Native Tree Committee, the North County Autumn Garden Tour, the Open Studios Art Tour, the Solar Home Tour, and many other worthwhile educational seminars and tours. These activities are generally held during daylight hours, are of short duration, and do not involve amplified music.

I ask that your Board consider exempting educational seminars and tours from the definition of "event" in the temporary events section of the Land Use Ordinance.

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Thank you.

Sue Luft
Templeton

Fw: letter to BOS

Susan Baker to: Bruce Gibson, Katcho Achadjian, James Patterson, Adam Hill, Frank Mecham

08/09/2010 02:31 PM

Cc: Amy Gilman, Cherie Aispuro, Vicki Janssen, Susan Devine, Vicki Shelby, cr_board_clerk clerk recorder

Susan Baker
Secretary, Board of Supervisors
805/781-4335
Fax: 781-1350

----- Forwarded by Susan Baker/BOS/COSLO on 08/09/2010 02:31 PM -----

From: "Jackie Crabb" <jackie@slofarmbureau.org>
To: <sbaker@co.slo.ca.us>
Date: 08/09/2010 02:11 PM
Subject: letter to BOS

Hi Susan,

Would you please forward this to the Supervisors? Thanks.

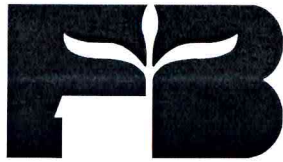
Jackie

Jackie Crabb, Executive Director
San Luis Obispo County Farm Bureau
651 Tank Farm Road
San Luis Obispo, CA 93401
805-543-3654 (voice)
805-543-3697 (FAX)
jackie@slofarmbureau.org



BOS August 10.doc

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SAN LUIS OBISPO COUNTY FARM BUREAU

651 TANK FARM ROAD ♦ SAN LUIS OBISPO, CA 93401

PHONE (805) 543-3654 ♦ FAX (805) 543-3697 ♦ www.slofarmbureau.org

August 9, 2010

Supervisor Frank Metcham, Chair
Board of Supervisors
1055 Monterey, Rm. D430
San Luis Obispo, CA 93408

Re: Temporary Events, Agenda Item D-1

Dear Supervisors:

The San Luis Obispo County Farm Bureau is basically pleased with the Temporary Events Ordinance draft. Planning staff has done a fine job in creating an ordinance that is simple and balanced. We also like some of the suggestions from the Coalition of Affected Business Owners and would appreciate discussion on their points.

However, what has been left out in the staff report is the definition of an event for this ordinance. The essential components of the definition should be:

- Applies to public events, not private events
- It does not apply to the wineries or Public Assembly and Entertainment
- It does not apply to a minimum number of attendees, which staff has identified 50

In the previous draft there was an exemption for events sponsored by government and agricultural nonprofits so that they can continue to educate the public about agriculture, which is in alignment with AG4 and AGP1 (see below). However, farmers and ranchers are the best to tell the story and they too should be able to educate the public independent of a sponsorship. We ask that consideration for exemption be given to these types of activities.

We appreciate the support from the Board and the consideration of our request.

Sincerely,
Jackie Crabb

AG4: Encourage Public Education and Participation.

a. Encourage ongoing public education programs by such organizations as the County Department of Agriculture, U.C. Cooperative Extension, Farm Bureau and industry organizations, to provide information about agriculture in San Luis Obispo County and help the public better understand the importance of the agricultural industry.

Crabb Attachment

AGP1: Public Education.

a. Support and participate in on-going agricultural education programs aimed at informing the general public about our agricultural industry.

Discussion: If the goals for agriculture as stated in this element are to be effectively accomplished, there should be a commitment to on-going public education about the importance and role of agriculture in this county. There are a variety of public and private agencies that participate in education programs focused on agriculture, including but not limited to the County Agriculture Department, U.C. Cooperative Extension, San Luis Obispo County Farm Bureau, Cal Poly State University, numerous agricultural industry groups, and others. The county should continue to participate in such programs.

Implementation: The County Department of Agriculture, in coordination and cooperation with U.C. Cooperative Extension, other public and private organizations and educational institutions, should remain in a leadership role of providing public education about the agricultural industry in the county.

Fw: CABO Submission for Events Ordinance Discussion on 8/10/10

Susan Baker to: Bruce Gibson, Katcho Achadjian, James Patterson, Adam Hill, Frank Mecham

08/09/2010 02:38 PM

Cc: Amy Gilman, Cherie Aispuro, Vicki Janssen, Susan Devine, Vicki Shelby,
cr_board_clerk clerk recorder

Susan Baker
Secretary, Board of Supervisors
805/781-4335
Fax: 781-1350

----- Forwarded by Susan Baker/BOS/COSLO on 08/09/2010 02:38 PM -----

From: Daniella Sapriel <daniella@hummingbirdhouse.org>
To: sbaker@co.slo.ca.us
Cc: knall@co.slo.ca.us, rliley@co.slo.ca.us
Date: 08/09/2010 02:37 PM
Subject: CABO Submission for Events Ordinance Discussion on 8/10/10

Dear Ms. Baker,

Would you please distribute the attached "Bullet Point" Summary to all five Supervisors in time for the discussion of the events ordinance, scheduled for 8/10/10. Please let us know immediately if you are unable to open the attachment, which is sent in PDF.

Thank you, as always, for your courtesy and assistance.

Very truly yours,
J. Tavener Holland
Daniella Sapriel
Co-Chairs, Coalition of Affected Business Owners (CABO)



Bullet Points for BOSHearing 8_10_10.pdf

Item # D-1 Meeting Date: 8/10/10

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Bullet Point Summary of Major Issues

The draft ordinance is a good step in the right direction, but there are a few issues and problem areas that we believe need to be addressed. Because the ordinance will be sent back to the Planning Commission for “mark-up”, we hope the Board will give specific direction to the Commission with respect to these major issues, so that no uncertainties exist. With that in mind, we feel the following issues represent the major issues that the Board may want to address during its discussion:

- **Issue # 1: Definition of Events**

- The staff report and draft ordinance do not contain a definition of events, and still refers to a “temporary events ordinance”. The nomenclature “temporary” should be eliminated, as it is subject to both intentional and unintentional confusion (an “event” is of limited duration – the *use* of a property for events can be unlimited or subject to sunset or annual renewal, but the use of the word “temporary” should be eliminated).
- The Board should expressly specify that it does not intend to regulate certain types of events. Although the January discussion seemed to indicate that certain events are intended to be exempt (e.g., any gathering under 50, and any-size event hosted without fee for “family and friends”), the exemptions need to be expressly specified in the definition, not left subject to interpretation of intent. *It also needs to be clear that the ordinance is aimed at non-winery events, so as not to revisit the winery ordinance.*
- Certain types of events or certain types of (e.g., historic) properties can be exempted or treated preferentially, not because such events on such properties don’t impact the land or the neighborhood, but *because the Board chooses to give them preferential treatment as a matter of public policy*. For example, ag-related events on ag properties should not be subject to the same limitations on size and number of days (you don’t want to eliminate the pumpkin festival or the olive-tasting days or whatever.) Also, political fundraisers and non-profit events should be allowed without being required to adhere to the same limitations, or you risk eliminating the ability to host such events on most properties. For some reason (we think because the January discussion was at times confusing), somehow in the current draft non-profits are treated the same as other events. The Board needs to determine how it wishes non-profit events to be handled, and differentiate between non-profit and other events.

- **Issue # 2: Numbers**

- The Staff report sets the number of events for the ministerial permit at 10. CABO’s 2009 survey indicated that 12 events per year would include approximately 86% of the responding landowners holding events. If the ministerial permit is to be effective at bringing the greatest number of venues

Holland Attachment

in, the number of events allowed needs to be no fewer than 12 (with the understanding that not all properties will host that many).

- A separate issue concerns the number of attendees. Staff has set the number at a max of 150 for any event under a ministerial permit. But individual event venues have very different characteristics (some max out at 100, others easily accommodate 400+). A more flexible process would allow individual properties to tailor their events to their respective capabilities. Staff should be asked whether such flexibility can be built in. We point out a few options, simply to suggest possible options by which flexibility might be achieved.

- **Option #1:** *Do not limit the number of attendees, just limit the number of events and require that properties somehow certify that they meet the parking and health and safety requirements for the number they seek to accommodate. Perhaps some sort of “grid” application form that shuttles the ministerial permit applicant into a certain category, based on acreage, or other relevant characteristics. But in all cases the venue needs to show that it has the facilities, parking, etc.*

- **Option #2:** *Limit the total yearly number of attendees, but allow some flexibility in the maximum number of attendees at any specific event. For example, maximum 12 events of a maximum of 175 guests equals 2100 total attendees annually. If you say (e.g.) maximum 300 attendees at any event, then a venue hosting larger events might be limited to only 7 events (2100 divided by 300 = 7).*

- The first option gives maximum flexibility to the landowner, and is appealing to those who believe in the virtues of self-regulation. It is vulnerable to criticism however, in that some landowners may try to maximize profits by hosting large events; some people do not believe in the ability of landowners to self-regulate; and more people even on a large property means more impact on the neighborhood. Some may feel that no stated limitation on number of attendees is too loose a standard for a ministerial permit, as no site-specific conditions or mitigations are allowed on a ministerial permit. The issue of flexibility is perhaps not easily resolved, but it certainly merits discussion.

- **Issue # 3: Use of Existing Structures**

- The staff report and draft ordinance state that existing structures on a property can only be used for events where they have been permitted for commercial and public assembly occupancy. *These standards appear to come from state building codes, but we were unable to identify what these standards are, or exactly what permit process would be required for compliance.*
- This is a potentially large problem. Our current regulations are difficult for people to realistically comply with. One objective for creating a new

ordinance is to create a realistic possibility of compliance. This requirement could utterly defeat the entire purpose of the ministerial permit. It is unclear what is involved in getting a structure permitted for public assembly occupancy, or what costs are involved. It makes no sense to go to all this trouble to simplify the law in order that people can “come in out of the cold”, while building into the new law requirements that render compliance unrealistic.

- It would be extremely helpful to get more info from staff about this requirement. Staff is almost certainly trying to insulate the County from any liability for “permitting” an event that occurs in an unsafe structure. It’s not clear how much, if any, liability the County would really have giving out a ministerial event permit. County Counsel should be requested to research and brief the Board as to whether there is a real concern here. That also goes for the insurance requirements.
- Bottom Line: More info is needed from staff and County Counsel about this requirement, as such permitting difficulties defeat the whole purpose of the ministerial permit process. The issue of liability concerns should be researched fully to see how best to address those concerns, without imposing unrealistic requirements on use of existing structures (e.g., barns). It’s a difficult but important issue.

- **Issue # 4: Ministerial vs. MUP vs. CUP**

- The draft ordinance calls for a tri-level permit structure. In the current draft, 10 events or fewer annually correspond to the ministerial permit level. 11 to 20 events and you bump up into the MUP category. More than 20 events would require a CUP.
- Such a tri-level system is unnecessarily complicated, and the same result can be achieved without it. The LUO already provides authority for elevation of a MUP to the CUP level where appropriate. **[LUO § 22.62.050 (B)(2)(a) provides: “At the discretion of the Director [of Planning & Building], any Minor Use Permit application for a project that may generate substantial public controversy or involve significant land use policy decisions may be referred to the Commission for review and decision in the same manner as a Conditional Use Permit, without the applicant being charged an additional application fee.”]**
- In short, an arbitrary number of events should not automatically kick you into the CUP category with the attendant extra cost and standards. A better way to go would be to leave the MUP review discretion to elevate to a CUP when appropriate, not tied to a set number.

Submitted by J. Tavener Holland and Daniella Sapriel, on behalf of CABO

Fw: Comments on item D-1 for 8/10 BOS meeting

Susan Baker to: Bruce Gibson, Katcho Achadjian, James Patterson, Adam Hill, Frank Mecham

08/09/2010 02:54 PM

Cc: Amy Gilman, Cherie Aispuro, Vicki Janssen, Susan Devine, Vicki Shelby, cr_board_clerk clerk recorder

Susan Baker
Secretary, Board of Supervisors
805/781-4335
Fax: 781-1350

----- Forwarded by Susan Baker/BOS/COSLO on 08/09/2010 02:50 PM -----

From: "Santa Lucia Chapter of the Sierra Club" <sierraclub8@gmail.com>
To: <boardofsups@co.slo.ca.us>, <sbaker@co.slo.ca.us>
Date: 08/09/2010 02:46 PM
Subject: Comments on item D-1 for 8/10 BOS meeting

Susan –

Please distribute to the Supervisors the attached comments of the Sierra Club on Item D-1, for the August 10, 2010, meeting of the Board.

Thanks,

Andrew Christie, Director
Santa Lucia Chapter of the Sierra Club
P.O. Box 15755
San Luis Obispo, CA 93406
805-543-8717



tempeventsBOS8810.doc

Item # D-1 Meeting Date: 8/10/10
Received: ☒ Prior to meeting
☒ Posted to web: 8/9/10
☐ At the Board meeting
☐ Day of or after meeting not posted



SANTA LUCIA CHAPTER
P.O. Box 15755 • San Luis Obispo, California 93406

August 9, 2010

RE: Aug. 10, 2010 meeting, Item D-1, Amendments to the Temporary Events Ordinance

Honorable Supervisors,

The Sierra Club notes with some concern that county planning staff appears to have gone beyond the direction provided by your Board in January when you asked staff to respond to the request from the Planning Commission for guidance and clarification in its review of the Temporary Events ordinance. Staff has provided instead a newly amended ordinance that constitutes a significantly more permissive draft than the one reviewed by the Planning Commission, and which has not been subject to their review. As the potential environmental impacts presented by these new amendments are greater than those involved with the original proposed amendments to the ordinance, further consideration of these new amendments by the County would therefore trigger the necessity of preparing an Environmental Impact Report.

For these reasons, we strongly suggest that your Board return to the original intent of seeking guidance and clarification rather than proceeding to consideration of a newly amended and inadequately vetted ordinance. To that end, we recommend review of the highly salutary document prepared by the ATC, "Temporary Event Rules: Four-County Comparison" for a summary of measures taken by counties similar to ours in dealing with the issue of using ag-capable and rural lands as event venues, and how they have handled the issues that arise therefrom, such as regulatory structure, provisions, standards, and waivers. A directive to staff from your Board to pursue further research along these lines before continuing to process amendments to the Temporary Events ordinance or the other five elements of the Ag Tourism package would be of great benefit.

In the course of that review, we hope it will become clear that your Board cannot constructively continue or conclude this process while maintaining a priority-free legislative intent. The statement of intent for this ordinance should prioritize the long-term preservation of ag land, the county's agricultural capacity, and the rural and

Christie - Attachment

residential character of the areas affected by the ordinance. Failure to do so will inevitably result in the unintentional de facto rezoning of agricultural land. The goal of preserving the long-term economic viability of our county's agriculture and the goal of maximizing the number of possible commercial event venues in ag zoned land for the short-term benefit of industries and individuals that are not involved in active agriculture are two different and mutually exclusive goals.

We urge your Board to proceed with this process with that concept in mind.

Thank you for your attention to these matters,

A handwritten signature in black ink, appearing to read "Andrew Christie". The signature is fluid and cursive, with a large, stylized "S" or "E" at the end.

Andrew Christie
Chapter Director